No. 25-1156

In the Supreme Court of the United States

SAMSUNG SDI CO., LTD., PETITIONER

v.

SHAWN PETERS

On Petition for a Writ of Certiorari to the Court of Appeals of Minnesota

REPLY BRIEF FOR PETITIONER

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TABLE OF CONTENTS

Page

TABLE OF AUTHORITIES ii

ARGUMENT 3

I. THE COURT SHOULD GRANT AND CONSOLIDATE *PETERS* AND *ETHRIDGE* 3

II. *ETHRIDGE* AND *PETERS* ARE MATERIALLY INDISTINGUISHABLE 6

A. The Courts Below Did Not Distinguish Between Individual Battery Cells And Battery Packs 6

B. The Distinction Between "Direct" And "Indirect" Shipments Of Battery Cells Into The Forum Is Immaterial 8

C. *Peters*' So-Called "Complications" Reinforce The Need For Review In Both Cases 9

CONCLUSION 10

TABLE OF AUTHORITIES

Page(s)

Cases

Adoptive Couple v. *Baby Girl*,
570 U.S. 637 (2013) 4

Berk v. *Choy*,
607 U.S. 187 (2026) 4

BNSF Ry. v. *Tyrrell*,
581 U.S. 402 (2017) 5

Bristol-Myers Squibb Co. v. *Superior Ct. of Cal.*,
582 U.S. 255 (2017) 5

Brown v. *United States*,
602 U.S. 101 (2024) 3

Campos-Chaves v. *Garland*,
602 U.S. 447 (2024) 3

Daimler AG v. *Bauman*,
571 U.S. 117 (2014) 5

Ford Motor Co. v. *Mont. Eighth Jud. Dist. Ct.*,
592 U.S. 351 (2021) 2, 4, 5, 10

Fuld v. *Palestine Liberation Org.*,
606 U.S. 1 (2025) 3

Mallory v. *Norfolk S. Ry.*,
600 U.S. 122 (2023) 5

McLaughlin Chiropractic Assocs., Inc. v. *McKesson Corp.*,
606 U.S. 146 (2025) 4

B.D. ex rel. Myers v. *Samsung SDI Co.*,
143 F.4th 757 (7th Cir. 2025) 8, 9

Nat'l Rifle Ass'n of Am. v. *Vullo*,
602 U.S. 175 (2024) 4

Quanta Comput., Inc. v. *LG Elecs., Inc.*,
553 U.S. 617 (2008) 4

Verizon Comm'ns Inc. v. *FCC*,
No. 25-567 (U.S. Jun. 4, 2026) 3

Walden v. *Fiore*,
571 U.S. 277 (2014) 5

Miscellaneous

Jonathan M. Hoffman et al., *The Trilogy of Personal Jurisdiction and the Importance of* Ford, 76 SMU L. Rev. 725 (2023)... 2

Stephen M. Shapiro et al., *Supreme Court Practice*
(11th ed. 2019)... 4

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REPLY BRIEF FOR THE PETITIONER

The stakes in this case and *Ethridge* v. *Samsung SDI Co., Ltd.*, No. 25-1106, are high. The Minnesota Court of Appeals' expansive view of the arise-out-of-or-relate-to requirement means that a foreign corporation can be haled into a forum based on the mere likelihood that an unauthorized version of one of its products will somehow find its way into the forum through the unilateral activity of third parties. Pet. 4. That view, if left uncorrected, would make it impossible for foreign corporations to structure their business and investment decisions with any degree of predictability. Pet. 3-4, 27-28. The upshot: Foreign commerce will be chilled. See Pet. 4, 28; Wash. Legal Found. Amicus Br. 7.

Respondent concedes (at 18) that *Ethridge* presents the same question in a suitable vehicle. And he agrees (at 4), that "[i]f the question is worth deciding" (it is), "*Ethridge* is the right place to decide it." Petitioner

concurs that *Ethridge* is **one** right place. This Court should thus grant the petition in *Ethridge*.

Respondent nevertheless urges denial of certiorari in this case. He argues that this case is a "flawed vehicle," Br. in Opp. 4, and "factually distinct" from *Ethridge*, *id.* at 14. Neither contention is correct. See *infra*.

But even if respondent were right, this Court should *still* grant certiorari in this case. Lower courts continue to struggle to draw lines between permitted and forbidden exercises of personal jurisdiction after *Ford Motor Co.* v. *Montana Eighth Judicial District Court*, 592 U.S. 351 (2021). Those difficulties arise not only in exploding-battery cases—like this one—but in a wide variety of product-liability scenarios that "are simply not *Ford*-like." Jonathan M. Hoffman et al., *The Trilogy of Personal Jurisdiction and the Importance of* Ford, 76 SMU L. Rev. 725, 769, 770-788 (2023) (collecting nearly 150 product-liability cases wrestling with personal jurisdiction issues after *Ford*).

Addressing two arguably different cases would give the Court its best opportunity to explain precisely where the constitutional line is drawn (if, in the end, the Court finds the two cases to be factually distinct) or—much better—to explain why both cases fall (as they do) on the same side of the constitutional line. Such guidance would discourage litigants and lower courts from giving outsize weight to meaningless differences.

Moreover, both sides of the dispute claim to be making jurisdictional rules more predictable. Compare Wash. Legal Found. Amicus Br. 7-8 with Am. Ass'n for Just. Amicus Br. at 5-7 (No. 25-1106). If this Court grants certiorari in *Ethridge* and/or *Peters*, petitioner will show in merits briefing why it has the better of that argument.

In short, this Court has a golden opportunity to explore the question presented in multiple dimensions. The Court should seize that opportunity by granting both *Ethridge* and *Peters*. Doing so would allow the Court to give maximum guidance to jurists and litigants alike.

ARGUMENT

I. THE COURT SHOULD GRANT AND CONSOLIDATE *PETERS* AND *ETHRIDGE*

1. Certiorari is warranted in both *Peters* and *Ethridge*.

Both the Minnesota Court of Appeals in *Peters* and the Fifth Circuit in *Ethridge* openly acknowledged a split on the question presented. See Pet. App. 17a-19a & n.11; *Ethridge* Pet. App. 2a-3a n.*. That question is exceptionally important. Pet. 26-30; *Ethridge* Pet. 28-31. And all agree that *Ethridge* is an excellent vehicle to resolve that question. Br. in Opp. 4, 18. This Court should therefore grant certiorari in *Ethridge*.

This Court should also grant certiorari in *Peters* and consolidate the two cases for review. See *Ethridge* Resp. Br. 11-12. That is this Court's typical practice when receiving petitions for certiorari from separate lower-court decisions presenting the same question. See, *e.g.*, *Verizon Comm'ns Inc.* v. *FCC*, No. 25-567 (U.S. Jun. 4, 2026) (consolidated with *FCC* v. *AT&T, Inc.*, No. 25-406); *Brown* v. *United States*, 602 U.S. 101 (2024) (consolidated with *Jackson* v. *United States*, No. 22-6640); *Campos-Chaves* v. *Garland*, 602 U.S. 447 (2024) (consolidated with *Garland* v. *Singh*, No. 22-884).

Personal-jurisdiction cases are no exception to that standard practice. See, *e.g.*, *Fuld* v. *Palestine Liberation Org.*, 606 U.S. 1 (2025) (consolidated with *United States* v.

Palestine Liberation Org., No. 24-151); *Ford*, *supra* (consolidated with *Ford Motor Co.* v. *Bandemer*, No. 19-369). Indeed, consolidation would be particularly appropriate here because both *Ethridge* and *Peters* involve personal injuries from the same type of product (lithium-ion 18650 batteries) that is manufactured by the same corporation (petitioner) in circumstances where a plaintiff alleges injuries from use of the product to power an e-cigarette after the product was diverted from authorized channels of distribution.

2. Respondent argues (at 16-18) that *Peters* presents a poor vehicle for review. He offers four reasons against consolidation. None is persuasive.

First, respondent points out (at 16) that the decision below is nonprecedential and unpublished. But this Court "grants certiorari to review unpublished . . . decisions with some frequency." Stephen M. Shapiro et al., *Supreme Court Practice* § 4.11, at p. 4-34 (11th ed. 2019) (collecting cases); see *Berk* v. *Choy*, 607 U.S. 187 (2026); *McLaughlin Chiropractic Assocs., Inc.* v. *McKesson Corp.*, 606 U.S. 146 (2025). Respondent offers no reason to change course.

Second, respondent observes (at 16) that parts of the record are under seal. That observation is of no moment. The Court frequently reviews cases involving partially sealed records. See, *e.g.*, *Nat'l Rifle Ass'n of Am.* v. *Vullo*, 602 U.S. 175 (2024); *Adoptive Couple* v. *Baby Girl*, 570 U.S. 637 (2013); *Quanta Comput., Inc.* v. *LG Elecs., Inc.*, 553 U.S. 617 (2008); accord *Supreme Court Practice* § 16.8(c), at 16-12 to 16-13 (discussing motions to file documents under seal). Besides, the court below "limited" its "discussion of the record" in its decision to "information disclosed in publicly filed documents"—including the parties' publicly accessible appellate briefs.

Pet. App. 2a-3a & n.2. And petitioner does not rely on any sealed materials in its petition. See Pet. 9-12.

Third, respondent stresses (at 17) that the decision below dealt with a "motion to dismiss on a prima-facie record." He says (at 17) that "[j]urisdictional facts may well be revisited on a fuller record." But this Court repeatedly grants certiorari in personal-jurisdiction cases arising from cases decided at the motion-to-dismiss stage. See, *e.g.*, *Mallory* v. *Norfolk S. Ry.*, 600 U.S. 122 (2023); *Ford*, *supra*; *BNSF Ry.* v. *Tyrrell*, 581 U.S. 402 (2017); *Walden* v. *Fiore*, 571 U.S. 277 (2014); cf. *Bristol-Myers Squibb Co.* v. *Superior Ct. of Cal.*, 582 U.S. 255 (2017) (motion to quash service of summons). And for good reason. Issues of personal jurisdiction should "be resolved expeditiously at the outset of litigation." *Daimler AG* v. *Bauman*, 571 U.S. 117, 139 n.20 (2014). Granting this petition would "promote" that goal. *Ibid.*

Finally, respondent notes (at 17) that the "Minnesota framework the court below applied is a five-factor, state-law test that reaches as far as the Due Process Clause allows" (cleaned up). He cautions (at 18) that it may be difficult to "disentangl[e] the federal question from the state-law packaging." That worry is misplaced. The petition "tees up a single issue: relatedness" under *Ford*. Pet. 30. And how *Ford* applies to this case is outcome determinative. See *ibid.* Indeed, respondent concedes (at 17-18) that the state-law framework did not control the outcome below.

In sum, respondent offers no good reason to deviate from this Court's standard consolidation practice. The Court should therefore grant both *Ethridge* and *Peters*, and consolidate the two cases for review.

II. *ETHRIDGE* AND *PETERS* ARE MATERIALLY INDISTINGUISHABLE

Respondent argues (at 15) that *Peters* is "factually distinct" from *Ethridge* such that the former is a "fact-bound dispute unsuited for certiorari review." He points out (at 18), for example, that *Ethridge* involved "direct sales by petitioner of individual 18650 batteries to Texas" and did not involve so-called "Minnesota complications," such as "contractual resale, choice-of-law, or forum-selection clauses." Those are red herrings.

The facts that matter for the question presented, as they have been presented in the courts below, are that (i) the plaintiff alleges that he was injured by an 18650 battery cell purchased through an unauthorized, third-party distribution channel, and (ii) petitioner shipped into the forum State the same type of battery cell as part of authorized, commercial transactions with its corporate customers for the purchase of component parts.

Peters and *Ethridge* are indistinguishable on those facts. Both cases are therefore suitable vehicles to decide the question presented. Consolidation is appropriate.

A. The Courts Below Did Not Distinguish Between Individual Battery Cells And Battery Packs

Respondent maintains (at 6, 18) that *Peters* is distinguishable from *Ethridge* because *Ethridge* involved sales, by petitioner, "of individual 18650 batteries to Texas," whereas *Peters* involves sales, by petitioner, of sealed battery packs to sophisticated corporate customers, not individual cells.

If the two fact patterns are different, the difference only underscores why petitioner's position for certiorari review should be granted in *Peters*. Shipment of sealed

battery packs into a forum State (here, Minnesota) makes the possibility of consumers obtaining the individual 18650 battery cells within those packs *even more remote* than shipments of individual cells.

In any event, the court below did not see it that way. It found that "the 18650 battery cells in the sealed packs were the same as the 18650 battery cell that Peters bought for his e-cigarette device," and pointed out that petitioner "shipped about 2.9 million individual 18650 battery cells to Minnesota inside sealed battery packs." Pet. App. 10a-11a. In other words, as far as the court below was concerned, petitioner's contacts with Minnesota and Texas were indistinguishable: Both involved shipment of 18650 battery cells into a State and the due-process questions were whether those shipments were sufficiently related to the plaintiffs' claims.

Moreover, even if the difference between shipments of individual cells and shipments of sealed battery packs mattered to the specific-jurisdiction analysis, denying review in *Peters* would makes sense only if the holdings of *Ethridge* and *Peters* were inverted—that is, if *Peters* held that shipments of sealed battery packs into the forum were *not* sufficiently related to respondent's injuries to support specific jurisdiction, whereas *Ethridge* held that shipments of individual battery cells *were* sufficiently related. But that is not how the cases came out below. *Peters* found personal jurisdiction based on even more attenuated contacts with the forum than *Ethridge*. *Peters* therefore underscores how the question presented continues to divide lower courts and why certiorari should be granted in both cases, not just in *Ethridge*.

B. The Distinction Between "Direct" And "Indirect" Shipments Of Battery Cells Into The Forum Is Immaterial

Respondent notes (at 18) petitioner's "direct" sales of 18650 cells into Texas in *Ethridge* and emphasizes (at 9-11) that in other cases finding personal jurisdiction over a different battery manufacturer, LG Chem, the record likewise reflected direct shipments of battery products into the forum States. Respondent also asserts (at 11-12) that the Seventh Circuit's decision in *B.D. ex rel. Myers* v. *Samsung SDI Co.,* 143 F.4th 757 (7th Cir. 2025) "is the paradigm" because in that case petitioner "'d[id] not itself ship 18650 batteries to Indiana.'"

Myers is the paradigm—but not for the reason that respondent suggests. The distinction between "direct" and "indirect" shipments of product into the forum is irrelevant to the question presented because that distinction goes to purposeful availment—a different prong of the due-process analysis not at issue here. Under that separate prong, a foreign corporation may purposefully avail itself of a forum *directly* by specifically sending products into the forum State, or it may do so *indirectly* by placing its product into the general stream of commerce. Either way, those purposeful contacts, whether direct or indirect, cannot support specific jurisdiction without a showing of relatedness.

Indeed, that is exactly what *Myers* held. The Seventh Circuit held that petitioner, despite not having shipped 18650 cells directly into Indiana, had nonetheless purposefully availed itself of the forum by "deliver[ing] its 18650 batteries to nationally recognized businesses, intending for them to be incorporated into packs and, later, end products" that "would be available to

consumers across the country, including in Indiana." *Myers*, 143 F.4th at 768. But that finding alone was not enough, because there was "a disconnect between [petitioner's] purposeful in-state contacts, through an end-product stream of commerce, and B.D.'s lawsuit, which stems from a consumer purchase of an individual battery." *Id.* at 771.

All told, *Myers* is the paradigm. Accordingly, the lower court's choice to "reject" that paradigm (Pet. App. 18a n.11) calls out for review in this Court.

C. *Peters*' So-Called "Complications" Reinforce The Need For Review In Both Cases

Respondent casts (at 18) the "contractual resale, choice-of-law, [and] forum-selection clauses" at issue in *Peters* as "Minnesota complications." Not so.

Those so-called "complications" are, in fact, the heart of the parties' dispute. The court below found specific jurisdiction in a consumer personal injury action based on commercial transactions between petitioner and its corporate customers for the manufacture of products (power tools) having no connection to respondent's injury from using 18650 battery cells to power an e-cigarette, including those transactions' associated contracts. Petitioner submits that the attenuated relationship between those transactions and this lawsuit cannot support specific jurisdiction consistent with the Due Process Clause, just as the Fifth Circuit held in *Ethridge* and the Seventh Circuit held in *Myers*.

If petitioner is right (it is), review should be granted and the decision below should be reversed. However, even if petitioner is wrong (it is not), and those "complications" in the record below do materially distinguish this case from *Ethridge* in favor of jurisdiction, what better vehicle

to illustrate the "real limits" of the phrase "relate to" than the present case? *Ford*, 592 U.S. at 362.

CONCLUSION

For the foregoing reasons and those stated in the petition, the petition for a writ of certiorari should be granted. The petition for a writ of certiorari in *Ethridge* v. *Samsung SDI Co., Ltd.*, No. 25-1106, should also be granted. The two cases should be consolidated for briefing, argument, and disposition.

Respectfully submitted.

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